

From: [Bill Jacobs](#)  
To: [Kimberly Nesci](#)  
Cc: [Dan Peacock](#); [Jennifer Gaines](#)  
Subject: Re: Use of "Protecta" - Fw: Protect T1 Disposable and Protecta T3 Disposable  
Date: 03/06/2011 04:37 PM

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I feel that you have made the only decision that makes sense and is consistent with 40 CFR 156.10(a)(5)(ix) and (x). I am not sure what would come of further discussion besides our telling Bell the same thing again.

BTW, we told Bell in 1990 that they couldn't use the "Protecta" name for ready-to-use bait stations, so this is not a new issue. They had no dog or child testing data, but we would not have allowed the claim if they had passed the tests back then because of the false-or-misleading statements situation.

The mouse-sized design under discussion in 1990 was chewed up by dogs when Bell finally put it to the test a couple of years ago. The stations that they proposed to use "Protecta" for this year included at least one that was qualified only as a Tier 3 product.

▼ Use of "Protecta" - Fw: Protect T1 Disposable and Protecta T3 Disposable

Use of "Protecta" - Fw: Protect T1 Disposable and Protecta T3 Disposable

Kimberly Nesci to: Bill Jacobs, Dan Peacock

03/04/2011  
03:17 PM

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Hi Bill and Dan,

John and I spoke about this and decided against allowing Protecta. I'll let you know if I hear back from Bell Labs.

Thanks,  
Kimberly

Kimberly Nesci, Acting Chief  
Insecticide-Rodenticide Branch  
Registration Division (Mail Code: 7505P)  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
(703) 308-8059

----- Forwarded by Kimberly Nesci/DC/USEPA/US on 03/04/2011 03:16 PM -----

From: John Hebert/DC/USEPA/US  
To: "John Lublinkhof" <jlublinkhof@belllabs.com>  
Cc: Kimberly Nesci/DC/USEPA/US@EPA  
Date: 03/04/2011 03:03 PM  
Subject: Re: Fwd: Protect T1 Disposable and Protecta T3 Disposable

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John - Sorry about the delay in getting back to you; I've been on detail to another branch for the past month and it's been difficult for me to tie up loose ends from IRB. We've discussed the proposed name internally and have decided to not allow it. We feel that brand "Protecta" is an implied safety claim and that it could confuse the consumer with regards to type of bait station they want to purchase. If you would like to discuss this further, please contact Kimberly Nesci. She's currently the acting chief of IRB.

Regards,  
John

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John Hebert, Acting Chief  
RIMUERB  
Registration Division  
Office of Pesticide Programs  
703-308-6249

▼ "John Lublinkhof" ---02/10/2011 03:24:39 PM---Dear Bill and John, Could you check on the status of the use of the Protecta names with a

From: "John Lublinkhof" <jlublinkhof@belllabs.com>  
To: Bill Jacobs/DC/USEPA/US@EPA, John Hebert/DC/USEPA/US@EPA  
Date: 02/10/2011 03:24 PM  
Subject: Fwd: Protect T1 Disposable and Protecta T3 Disposable

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Dear Bill and John,

Could you check on the status of the use of the Protecta names with a qualifier statement (options provided on the attachment)? The last time we communicated on this, my understanding is that you were discussing this internally.

Thanks,

John Lublinkhof  
Bell Laboratories, Inc.  
608-241-0202 Ext. 3138

-----Original Message-----

From: "John Lublinkhof" <jlublinkhof@belllabs.com>  
To: "Bill Jacobs" <jacobs.bill@epa.gov>, "John Hebert" <Hebert.John@epamail.epa.gov>  
Date: Thu, 13 Jan 2011 14:19:29 -0600  
Subject: Protect T1 Disposable and Protecta T3 Disposable

Dear Bill,

I received your letters indicating that the name proposed for this product has a safety claim embedded in it. As you are aware, we